

MDEStat Meeting

November 7, 2011



Robert M. Summers, Secretary

Sue Battle-McDonald, Stat Director

**Table 1: Category 5 Listings that may not meet
MOU Timeline (10)** (Continued)

Basin Name	Impairment	Current Status/Actions
Atkisson Reservoir	Nutrients and Sediments (2)	<p>Previous report: EPA Region III is anticipating that the contract will be approved by the Cincinnati office the week of August 15.</p> <p>UPDATE as of 10/25/11: As above, funding has been secured. The contractor started work in late Sept. 2011. Completion is due in FY2012 and a timeline will be forthcoming shortly.</p>
Aberdeen Proving Ground	Toxics (1)	<p>Previous report: Conference call on 8/4/11 with MDE/EPA/Tetrattech to discuss the monitoring plan and provide guidance and clarification to the contractor. Also, EPA talked to APG staff regarding access to the area. An escort will be required for areas where there could be unexploded ordnance in the monitoring area.</p> <p>UPDATE as of 10/25/2011: TetraTech is currently developing a water quality monitoring plan to assess the tidal waters of APG for specific toxic pollutants in order to refine the Toxics listing for TMDL development.</p>
Bodkin Creek	Copper (1)	<p>EPA does not have a timeframe associated with the release of guidance on the saltwater copper BLM criterion. The monitoring survey for Bodkin Creek will be delayed until this information becomes available.</p> <p>UPDATE as of 10/25/2011: EPA continues to work on the development of saltwater BLM criterion for Cu. EPA has not established a time frame for the release of draft guidance. MDE plans to conduct a monitoring survey to reassess the listing based on the new BLM criterion once it is established.</p>

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Basin Name	Impairment	Current Status/Actions
Baltimore Harbor	Metals (2) Curtis Bay (zinc) Middle Harbor (zinc)	<p>Work on state-wide sediment quality criteria development has not moved forward as the technical advisory committee was unable to come to an agreement on applying existing sediment quality guidelines as numeric criteria. Work continues on development of clam sediment toxicity test.</p> <p>UPDATE as of 10/25/2011: Work continues on development of clam sediment toxicity test. Completion of test development is expected January 2012.</p>
Upper Pocomoke River (UPR)	Nutrients (1)	<p>Previous Report: The WQA for the mainstem that was schedule for September 2011 submittal will be held and will be submitted together with the TMDL or WQA for the tributaries that is expected to be developed and finished to be submitted in 2012.</p> <p>UPDATE as of 10/25/2011: The WQA for the main stem that was scheduled for September 2011 submittal was held. Instead, the complete nutrient listing for the non-tidal Upper Pocomoke River will be address. Additional data analysis will be performed by VIMS to determine the cause of low DO for each tributary of the River and the main stem model will be expanded to the tributaries to simulate the entire non-tidal system. VIMS will work with MDE to develop TMDL and load allocation scenarios and draft a TMDL report to be submitted to EPA on or before September 30th, 2012.</p>

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Basin Name	Impairment	Current Status/Actions
Upper Pocomoke River	Sediment (1)	<p>Previous report: Reference watershed: Reference watershed analysis shows that Upper Pocomoke has a lower forest normalized sediment load than reference watershed on the Eastern Shore. However, it is uncertain if the reference watersheds are compatible with Upper Pocomoke. USGS Cluster analysis (Preston, 2000) was reviewed. No reference watersheds exist in the “cluster” that includes Upper Pocomoke.</p> <p>TSS threshold: A number of articles regarding the relationship of TSS and aquatic life were reviewed. Most articles were fairly narrow in scope (i.e. geographical area of study, biological species) and were not applicable to the Upper Pocomoke. For those areas that have established suspended sediment criteria, there is a wide range of values (30 – 150 mg/L). Several of the articles also cited a lack of TSS data as an obstacle to determining TSS limits.</p> <p>UPDATE as of 10/25/2011: TMDL staff has resumed working on this project after focusing on the FY11 submittal projects.</p>
Susquehanna River/Conowingo Dam	Nutrients/ Sediments (2)	<p>Previous report: Public comment period will begin August 24 and end on September 22, 2011.</p> <p>UPDATE as of 10/25/2011: The documents were submitted to EPA for review by September 30, 2011.</p>

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Catoctin Creek	Nutrients (1)	<p>Previous report: TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</p> <p>Update 10/25/11: ICPRB has resumed working on updating this TMDL using CBP P5.3.2 model loads. It is expected that the revised draft report will start Public Notice in April 2012.</p>
Antietam Creek	Nutrients (1)	<p>Previous report: TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</p> <p>Update 10/25/11: ICPRB has resumed working on updating this TMDL using CBP P5.3.2 model loads. It is expected that the revised draft report will start Public Notice in April 2012.</p>
Double Pipe Creek	Nutrients (1)	<p>Previous report: TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</p> <p>Update 10/25/11: ICPRB has resumed working on updating this TMDL using CBP P5.3.2 model loads. It is expected that the revised draft report will start Public Notice in April 2012.</p>



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Basin Name	Impairment	Current Status/Actions
Lower Monocacy River	Nutrients (1)	<p>Previous report: TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</p> <p>Update 10/25/11: ICPRB has resumed working on updating this TMDL using CBP P5.3.2 model loads. It is expected that the revised draft report will start Public Notice in April 2012.</p>
Upper Monocacy River	Nutrients (1)	<p>Previous report: TMDLs have been developed for this watershed. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</p> <p>Update 10/25/11: ICPRB has resumed working on updating this TMDL using CBP P5.3.2 model loads. It is expected that the revised draft report will start Public Notice in April 2012.</p>
Rock Creek	Nutrients (1)	<p>Previous report: TMDLs have been developed for this watershed fulfilling the ARRA grant requirement. However, with the revision of the Chesapeake Bay Model, the project has been held to incorporate the new loads. ICPRB presented their review of the CBP-phase 5.3 model on 8/18/11.</p> <p>Update 10/25/11: ICPRB has resumed working on updating this TMDL using CBP P5.3.2 model loads. It is expected that the revised draft report will start Public Notice in April 2012.</p>

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Basin Name	Impairment	Current Status/Actions
Liberty Reservoir	Nutrients and Sediment (2)	Update as of Oct. 25, 2011: Much modeling work has been completed earlier and is transferrable to the new model when it is available. Completion will be in FFY 2012, and a detailed timeline will be available (expected by) January 2012.
MD Coastal Bays	Nutrients (4 MOU – 14 2010 IR listings)	<p>Previous report: Calibration is complete. Geographic isolation scenarios are underway and results are anticipated for the end of August. The submittal date for EPA review and approval for this project is estimated as December 2011 with public review in November 2011.</p> <p>Update as of Oct. 28, 2011: Serious anomalies in the watershed model (WSM) were discovered during analysis of the water quality model (WQM) scenario runs in late August – early September 2011. Major repairing of the WSM is needed, and MDE is currently pursuing the best method of doing that. The WQM will also need to be recalibrated, as it is dependent on loads generated by the WSM. It is anticipated that the WSM will be repaired sometime early CY 2012. Much of the ‘background’ work for the TMDL (writing, source assessment, point source/atmospheric deposition/meteorology, supplemental additions such as septics, spray irrigation, etc.) is still valuable and need not be re-done. MDE is contracting with VIMS to repair the watershed model or otherwise make it suitable for TMDL development. The solution will include a user interface, making it functional for implementation planning and other planning by stakeholders in the watershed. It is anticipated that the TMDLs will be submitted by September 2012. Resolving the audit matter created as a result of WSM flaws is being actively pursued with OS, Audit and OAG involvement.</p>

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Basin Name	Impairment	Current Status/Actions
Lower Gunpowder Falls	Nutrients (1)	Update 10/25/11: Public comment period ended on Oct 5, 2011. One set of comments from the Gunpowder Riverkeeper was received and are being addressed. WQA report is expected to be submitted by November 15, 2011.

**Note: EPA is discussing funding additional interstate and/or MOU projects.*

Table 2: TMDL/WQA Projects Submitted but Require Additional Action (i.e., follow up action required, not approved) (8)

Basin Name	Impairment	Current Status/Actions
Baltimore Harbor	Metals (5) Inner Harbor NW Branch (Cr) Inner Harbor NW Branch (Pb) Inner Harbor NW Branch (Zn) Bear Creek (Cr) Bear Creek (Zn)	Wait for results from sediment spiking study.
Baltimore Harbor Deep Channel	Nutrients (2)	Bay TMDL shows attainment in Deep Channel and will replace existing Nutrient TMDL(s) Existing TMDL evaluation report in internal review
Edgewater Village Lake	Nutrients (1)	Identify SSA workgroup to determine UAA process Per previous MDEStat meeting it was agreed that there were higher priorities given current workload. Consequently, at this point in time, no further action is planned.

HB 966 Natural Resources – Restricted Waters for Shellfish Harvesting – Testing June 1, 2011

This bill requires the Maryland Department of the Environment (MDE) to use the most reliable available tests to determine whether a shellfish production area poses a risk to human health and rule out contaminants that do not pose a risk, including specified bacteria, in determining whether to restrict, or lift any restrictions on, an area used to catch or store shellfish.

MDE must, by December 31, 2011, reconsider the designation of State waters that are currently restricted from shellfish harvesting, giving priority to areas where there are existing or pending shellfish leases or aquaculture permit

Table 3: 319(h) Grants Summary Through 9/30/11

Grant Year	Grant Period (start date to end date)	TOTAL Federal Funds	Total Expenditures As of 9/30/11	Encumbrances Note: encumbered amount does not include expenditures	Amount NOT Encumbered	Amount Not Expended per SSA	MDEStat Amount Not Expended
FFY 2010	7/1/10 to 9/30/13	\$2,860,785	\$1,141,498.01	\$1,580,273.46	\$139,013.53	\$139,013.53	\$1,719,286.99
FFY 2009	7/1/09 to 6/30/13	\$2,575,782	\$1,570,580.39	\$270,753.56	\$734,448.05	\$734,448.05	\$1,005,201.61
FFY 2008	7/1/08 to 9/30/12	\$2,653,500	\$2,102,774.72	\$550,724.11	\$1.17	\$1.17	\$550,725.28
FFY 2007	7/1/07 to 9/30/11	\$2,598,600	\$2,164,489.99	\$155,049.70	\$279,060.31	\$279,060.31	\$434,110.01
TOTAL		\$10,688,667	\$6,979,343.11	\$2,556,800.83	\$1,152,523.06	\$1,152,523.06	\$3,709,323.89
<p>Note: Target timeframe for expending each grant year's funds is the grant end date in column two.</p>							

**Table 4: Unexpected FFY 2007 319(h)
Grant Funds** *(Continued on Next Slide)*

PO #	Unexpended as of 9/30/11	Projected Unexpended on 12/31/11	Explanation of Changes from 9/30/11 \$279,060.31
U00P0400049	\$23,788.07 Base Grant	\$0.00	All Base Grant funds will be expended – either for this project or to cover MDE staff costs for managing this FFY07 319(h) Grant. (Note: Calvert County has until 10/31/11 to submit a watershed plan that will meet EPA acceptance requirements. EPA guidance is to withhold remaining funds until/unless EPA acceptance is received.)
U00P8200472	\$98,692.40 Incremental Grant	\$26,587.08	Unexpended Incremental Grant funds could not be re-budgeted between the end of these projects 8/31/11 and the end of the grant 9/30/11.
U00P0400522	\$9,969.00 Incremental Grant	\$44.00	(Note: Both PO numbers are for a single Frederick County 319(h) Grant project: U00P8200472 for \$176,500 and U00P0400522 for \$46,864. During the project, national economic changes caused actual project costs to be less than original projected costs. Given the timing of the project expenditures, it was not possible to make use of the unexpended funds before the grant ended.)

Table 4: Unexpected FFY 2007 319(h) Grant Funds

PO #	Unexpended as of 9/30/11	Projected Unexpended on 12/31/11	Explanation of Changes from 9/30/11 \$279,060.31
U00P0400081	\$22,873.82 Base Grant	\$0.00	All Base Grant funds will be expended. Project ended 8/31/11 leaving \$10,195.89 unexpended, which will be used to help pay for MDE staff cost for managing this FFY07 319(h) Grant. (Note: MDA's Nutrient Trading project U00P0400081 was for \$118,980 and was mostly successful though an actual trade could not be accomplished before the FFY07 319(h) Grant funding the project ended. If a no cost extension was possible, this project would likely have accomplished an actual trade and, in doing so, expended all grant funding.)
No PO #	\$123,737.02 Incremental Grant	\$123,737.02	Unexpended Incremental Grant funds could not be re-budgeted between the end of the project 8/31/11 and the end of the grant 9/30/11. (Note: The MDE Aaron Run project released a budget opportunity for construction during the large spike in costs for fuel, materials, etc. This required MDE to obtain extra funds in the three grant years funding the project (FFY05, FFY06 and FFY07). Older grant funds were expended first because the two oldest grants had earlier closeout dates. Fuel and materials costs dropped significantly before the all project construction was bid, so the unexpended funds are a result of declining construction costs. Unfortunately, there was insufficient time to find another project that meets EPA criteria that could use remaining funds.)
TOTAL	\$279,060.31	\$150,368.10	Total Incremental Grant funds projected for return to EPA December 31, 2011, which is the end of the 90-closeout. (Note: Remaining Incremental Grant funds can only be used for implementation projects that meet EPA criteria.)

Table 5: Permits/Approval That Have Undergone OR Are Undergoing An Antidegradation Review

Permit/Approval	Total Received	Open	Closed	Monitoring
Non-tidal Wetlands and Waterways	154	42	112	6 (+ 5 pending)
Water and Sewer Plan Amendments	60	21	39	-
Industrial Discharges	2	1	1	1
Mining	16	1	15	1 (+1 pending)
Toxic Materials	5	0	5	1

Table 6: Antidegradation Reviews Open For More Than One Year (Continued on Next Slide)

Group	Project ID	Common Name	Open Date	Days Open	Reason Open	Active SSA Review? y/n
NTW&W	2005060531	CCC (Cross County Connector)	10/1/08	1121	Engineering issues (Waterways), Tier II, Potential RTE issues	Y
MIN_NC	UNKNOWN	Piney Reach Bus Park CPV(solar)	12/10/09	686	Habitat Plan not approved (by DNR)	N
NTW&W	200960462	PEPCO Util. Line	6/16/10	498	MHT, Fee, Tier II, Mitigation	Y
NTW&W	201060743	W. Pkwy III, phase I	6/22/10	492	Application is considered incomplete- project scope has changed	N

Table 6: Antidegradation Reviews Open For More Than One Year (Continued on Next Slide)

Group	Project ID	Common Name	Open Date	Days Open	Reason Open	Active SSA Review? y/n
NTW&W	201060785	HA DPW/ Brige#63	6/24/10	490	Applicant has not responded to NTW informaton requests.	N
NTW&W	201060862	Howlin oaks Development Community	8/10/10	443	RTE, wetlands of special state concern, Tier II, engineering/water ways, incomplete application.	N
NTW&W	201061114	Bear Cabin Branch	8/18/10	435	Applicant has not responded to NTW information requests.	N

Table 6: Antidegradation Reviews Open For More Than One Year

Group	Project ID	Common Name	Open Date	Days Open	Reason Open	Active SSA Review? y/n
NTW&W	201061182	Falling Branch culvert	8/26/10	427	F&W bog turtle habitat enhancement, Tier II. Wetlands	Y
NTW&W	201061248	Delight Quarry, PH 1/2	9/17/2010	405	SWM, DNR Env. Review, Tier II, ENS	N